

4 FILED

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

08 C 681

Case No.

Civil Action

JUDGE DARRAH
MAGISTRATE JUDGE COLE

**PETITION FOR HEARING ON
NATURALIZATION APPLICATION
UNDER 8 U.S.C. § 1447(b)**

1

generally charged with the overall administration of benefits and immigration services. 8 C.F.R. §100.2(a).

5. Defendant, Robert Blackwood, Chicago District Director, Field Office Director is an official of the USCIS generally charged with supervisory authority over all operations of the USCIS within the District. 8 C.F.R. §100.2(d)(2)(ii). As will be shown, Defendant Director is the official with whom Plaintiff's naturalization application remains pending.

6. Defendant, Robert S. Mueller, III is Director of the Federal Bureau of Investigations (FBI), the law enforcement agency that conducts security clearances for other U.S. government agencies, such as the Department of Homeland Security. As will be shown, Defendant has failed to complete the security clearances on Plaintiff's case.

Jurisdiction and Venue

7. Jurisdiction over of this action is proper under INA §336(b) and 8 U.S.C. §1447(b). Relief is requested pursuant to said statutes.

8. Venue is properly laid in this Court, pursuant to 8 U.S.C. §1447(b), in that Plaintiff may request a hearing on the matter in the District where Plaintiff resides.

Cause of Action

9. Plaintiff is a lawful permanent resident (A# 047 201 981) of the United States. Plaintiff filed an N-400 Application for Naturalization with the U.S. Citizenship and Immigration Services and was interviewed by the Chicago District Office on December 7, 2005.

10. Plaintiff's application for naturalization has now remained unadjudicated for more than a year from the date of the examination.

11. Defendant's have sufficient information to determine Plaintiff's eligibility pursuant to applicable requirements.

12. Defendants, in violation of 8 U.S.C. §1446, have failed to make a determination on Plaintiff's naturalization application within the 120 day period after the date of the examination.

Prayer

13. WHEREFORE, in view of the arguments and authority noted herein, Plaintiff respectfully prays that the Defendants be cited to appear herein and that, upon due consideration, the Court enter an order adjudicating the naturalization application. In the alternative, the Court may remand requiring Defendants to immediately adjudicate Plaintiff's naturalization application. In addition, Plaintiff requests an award of reasonable attorney's fees under the Equal Access to Justice Act, and such other relief at law and in equity as justice may require.

Respectfully Submitted,
Birg & Meltser

/s/ Gene Meltser
Gene Meltser, Esq.

GENE MELTSER, ESQ.
BIRG & MELTSER
ATTORNEYS FOR PLAINTIFF
570 LAKE COOK ROAD
SUITE 125
DEERFIELD, IL 60015
(847) 444-9000
(847) 444-1478 fax
ARDC # 6270933

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing COMPLAINT has been sent via the Court's electronic filing system or by Registered or Certified Mail to the following parties, this 31st day of January, 2008

- | | |
|--|--|
| 1. Office of US Attorney
Northern District of Illinois
5th Floor
219 Dearborn St.
Chicago, IL 60604-1702 | 4. US Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001 |
| 2. US Department of Homeland Security
US CIS
Chicago District Office
101 West Congress Parkway
Chicago, IL 60605 | 5. Federal Bureau of Investigation
601 4th Street NW
Washington, D.C. 20535 |
| 3. Office of the General Counsel
US Department of Homeland Security
Washington, D.C. 20258 | |

Dated this 31st day of January, 2008

/s/ Gene Meltser
Gene Meltser, Esq.

GENE MELTSER, ESQ.
BIRG & MELTSER
ATTORNEYS FOR PLAINTIFF
570 LAKE COOK ROAD
SUITE 125
DEERFIELD, IL 60015
(847) 444-9000
(847) 444-1478 fax
ARDC # 6270933